REMARKS

Claims 1–20 were pending and were rejected. Claims 1–3, 8, 10, 14, 17 and 19 are amended herein. Claims 6, 9, 12 and 15 are cancelled. Claims 1–5, 7–8, 10–11, 13–14 and 16–20 remain pending. Reconsideration is requested in view of the foregoing amendments and the following remarks.

Claims 1, 2, 3, 5, 8, 9 and 11 were rejected under 35 U.S.C. § 102(a) as anticipated by *Avid Xpress Pro for Windows and Macintosh: Visual Quickpro Guide* by James Monohan ("Monohan"). Monohan is a tutorial work directed to the use of Avid Xpress Pro video editing software. However, Monohan does not teach "wherein a playback speed of a portion of the media file is determined in proportion to a distance separating the cursor and the play head," as recited in amended claims 8, 14 and 19. A similar limitation, namely, "wherein the displaying and audible playing back can be at a variable speed determined in proportion to the distance between the current play head position and the second location," is recited in amended claim 1. This variable speed "audio scrubbing" feature is neither taught nor suggested by Monohan.

Instead, Monohan teaches two distinct styles of audio scrubbing: "Smooth Audio Scrubbing" and "Digital Audio Scrubbing." "Smooth Audio Scrubbing" involves using "the J-K-L keys . . . to play a clip or sequence in slow motion, in reverse, or up to 5X normal speed." (*See* Monohan, p. 13) This indicates that the scrubbing speed is set by the user via the keyboard and does not involve varying the playback speed in proportion to the distance separating the cursor and the play head. In fact, the cursor is not even involved in Monohan's "Smooth Audio Scrubbing." "Digital Audio Scrubbing" involves the user "manually dragging the position indicator through the clip sequence while holding the Shift key." (*See* Monohan, p. 13) With the default settings, the user will hear "six frames of audio at a time in front of the position indicator." (*See* Monohan, p. 14) In Monohan, then, the cursor and playhead are always co-sited during "Digital Audio Scrubbing," and thus there is no distance between them that can be used to determine playback speed, as required by each pending claim.

Examiner has proposed U.S. Patent 6,342,902 to Harradine ("Harradine") as supplying a similar limitation. However, Harradine does not disclose a mechanism for controlling scrubbing speed as recited in Applicant's claims. Harradine's mechanism is not based on the distance

between the playhead and cursor. Rather, Harradine teaches the creation of an ad-hoc, on-screen, location-independent "analog-style" fast forward or rewind "virtual knob." That is, the further the Harradine user moves the mouse to the right of where he initiated his click and hold, the faster the play head will scroll forward through the media. Similarly, the further the user moves the mouse to the left of where he initiated his click and hold, the faster the play head will scroll in reverse through the media. Nowhere in Harradine does the distance between the playhead and the cursor affect the playback speed. Therefore, Harradine does not teach or suggest a playback speed that varies in proportion to the distance between the playhead and the cursor, and thus the combination of references proposed by Examiner does not disclose each limitation of the claims.

Reconsideration and withdrawal of the rejections and a notice of allowance for all remaining pending claims is therefore requested.

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Respectfully submitted,

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